

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 8, 1999

DIVISION TWO

B124765 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Betty H.

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Zebrowski, J.

B122083 People (Not for Publication)
 v.
 Johnson

The Court:

The judgment is modified to reflect an additional \$200 restitution fine pursuant to Penal Code section 1202.45, which fine shall be suspended unless appellant's parole is revoked, and the abstract of judgment shall be amended to so reflect. In all other respects, the judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

April 8, 1999-Continued

DIVISION TWO (continued)

B108561 People (Not for Publication)

V.
Bolanos

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Zebrowski, J.

B120399 Haak (Not for Publication)

v.
Tellez

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Zebrowski, J.

B123314 Washington Mutual Bank, FA (Not for Publication)

v.
Yee, et al.

The judgment is reversed. Each side is to bear their own costs.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

April 8, 1999-Continued

DIVISION TWO (continued)

B123174 People (Not for Publication)
v.
Medina

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

B119021 City of Whittier (Not for Publication)
v.
Magna, et al.

The interlocutory judgment is affirmed. Respondents are awarded costs on appeal.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Zebrowski, J.

B107706 McDonald (Certified for Publication)
v.
Southern Pacific Transportation Company

The judgment is reversed. The order denying motion for judgment notwithstanding the verdict is affirmed. Plaintiff shall recover costs.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (continued)

[illegible]

The Court:

The judgment is modified to provide that appellant is sentenced to a determinate term of 10 years, consisting of two 5-year enhancements under Penal Code section 667, subdivision (a) (1), and a consecutive indeterminate term of 25 years to life. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and to send a certified copy of the amended abstract of judgment to the Department of Corrections.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

DIVISION THREE

[illegible]

The judgments (orders revoking probation) are affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B126636 People (Not for Publication)
v.
Wesson

The clerk of the superior court is directed to prepare a corrected abstract of judgment reflecting conviction by jury rather than by plea. The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (continued)

B128207 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Billie M.

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B126041 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Procton B.

The order appointing guardian is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B126628 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Guadalupe L.

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (continued)

B114326 Roslyn Schlesinger et al. (Not for Publication)
 v.
 Bank of America, etc. et al.

The judgment is affirmed. Pinter to recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Petersen, J. (Assigned)

DIVISION FOUR

B126606 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Michael R.

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

B127808 Neilson (Not for Publication)
 v.
 S.C.L.A.
 D.C.F.S.

The petition is denied.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

DIVISION FIVE

B119297 People (Not for Publication)
v.
Miguel A. Gomez

The judgment is modified to reflect the Penal Code section 1202.45 restitution fine discussed in the body of this opinion. Upon issuance of the remittitur and imposition of the additional fine, the superior court clerk is directed to issue an amended abstract of judgment which reflects both restitution fines and forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B122123 People (Not for Publication)
v.
Richard Jackson

The abstract of judgment is modified to reflect that defendant was convicted of Penal Code section 12021, subdivision (a) (1), rather than Penal Code section 12022, subdivision (a) (1). In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION FIVE (continued)

B124627 People (Not for Publication)
v.
Arturo Alcantar

The clerk of the superior court is directed to prepare and deliver to the Department of Corrections an amended abstract of judgment which accurately sets forth the restitution fines imposed against defendant pursuant to Penal Code sections 1202.4, subdivision (b) and 1202.45. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B121999 People (Not for Publication)
v.
Cedric Woods

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B115878 Talon Instruments, Inc. et al. (Not for Publication)
v.
John Fluke Manufacturing Company Inc.

The order granting new trial on punitive damages as to Talon is reversed. The judgment is in all other respects affirmed. Talon and Corby to recover costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (continued)

B113996 City of Inglewood (Not for Publication)
 v.
 Richard Wu

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B110690 Mary Calvert (Not for Publication)
 v.
 Rockwell International

The judgment is reversed. Appellants to recover costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B110692 Carlene Eckhart (Not for Publication)
 v.
 Rockwell International

The judgment is reversed. Appellants to recover costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (continued)

B110685 Sharon Heard (Not for Publication)
v.
Rockwell International

The judgment is affirmed. Respondents to recover costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

B121336 People (Not for Publication)
v.
Armando Simi

The judgment is modified as follows: (1) the trial court's finding that appellant's prior carjacking conviction is a felony conviction within the meaning of sections 1170.12 and 667, subdivisions (b) through (i) is reversed; (2) appellant's sentence on count 1 is reduced from 10 years to 5 years and his sentence on count 2 is reduced from 2 years to 1 year, resulting in a reduction of appellant's total sentence from 22 years and 4 months to 16 years and 4 months; (3) appellant's restitution fine pursuant to section 1202.4, subdivision (b) (2) is reduced from \$4,400 to \$3,200; and (4) a parole violation fine of \$3,200, suspended, is imposed. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B118957 People (Not for Publication)
v.
Terry Noland

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

DIVISION FIVE (continued)

B129680 John H. Robinson (Not for Publication)
v.
S.C.L.A.
Guess?, Inc., et al.

A peremptory writ of mandate shall issue directing respondent court to vacate its order of February 17, 1999, striking petitioner's Code of Civil Procedure section 170.6 peremptory challenge as untimely, and enter a new and different order honoring the peremptory challenge and transferring the case to the presiding judge of respondent court for reassignment. Costs of this proceeding are awarded to petitioner.

Krigler, J. (Assigned)

We concur: Turner, P.J.
Godoy Perez, J.

B119749 People (Not for Publication)
v.
Anthony Howard

The trial court is ordered to impose a suspended \$1,800 parole revocation fine pursuant to Penal Code section 1202.45, the fine to become operational if defendant violates parole. The clerk of the superior court is directed to prepare an amended abstract of judgment, reflecting the Penal Code sections 1202.4, subdivision (b) and 1202.45 fines, and forward the amended abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Krigler, J. (Assigned)

We concur: Turner, P.J.
Godoy Perez, J.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Woods, J., Neal, J., Hay, J. (Assigned), and Emma Jean Amos, Deputy Clerk.

Each of the following:

B118216 People v. Williams & Walker
B118733 People v. Marks
B118747 People v. Johnson
B119520 People v. Bryant
B120113 People v. Purdue
B120531 People v. Valenzuela
B120569 People v. Landeros
B120914 People v. Hardiman
B121558 People v. Thompson
B121724 People v. Steven C.
B122986 People v. Evangelista
B124330 People v. Martel
B124813 People v. Moore
B118902 People v. Paulino
B121918 People v. Robb
B122772 People v. Dennis P.
B129163 Tina Y. v. SCLA
B117585 People v. Silva

Argument waived, cause submitted.

B118080 Estate of Ruth Gemilere
 v.
 Estrada

Merits:

Argued by Jonathan E. Van Cleave for appellant and no appearance by counsel for respondent. Cause submitted.

DIVISION SEVEN (continued)

B122472 People
 v.
 Briley

Merits:

Argued by Edward Tabash for appellant and by David Andrew Eldridge, deputy attorney general, for respondent. Cause submitted.

B121930 Brafman
 v.
 Truck Insurance Exchange

Merits:

Argued by Arturo T. Salinas for appellant and by Robin Jacobs for respondent. Cause submitted.

Court recessed at 9:50 a.m.

The Court reconvened at 10:00 A.M.

Present: Lillie, P.J., Woods, J., Neal, J., Hay, J. (Assigned), and Emma Jean Amos, Deputy Clerk.

B123330 State Compensation Ins. Fund
 v.
 W.C.A.B.
 Frederick

Merits:

Argued by Don E. Clark for petitioner and no appearances by respondents. Cause submitted.

DIVISION SEVEN (continued)

B128368 People
 v.
 S.C.L.A.
 (George, r.p.i.)

Merits:

Argued by Natasha S. Cooper, deputy district attorney, for petitioner and by Jack T. Weedon, deputy public defender, for real party in interest. Cause submitted.

B127643 BJ Family Food Center
 v.
 S.C.L.A.
 (Zamani, r.p.i.)

Merits:

Argued by Behrouz Shafie for petitioner; Gordon Trask, deputy county counsel, for respondent and by Farhad Novian for real party in interest. Cause submitted.

B118990 Williams
 v.
 Briggs

Merits:

Argued by Warren Williams appellant in propria persona and by Zena Briggs respondent in propria persona. Cause submitted.

B126836 Penunuri/Washington
 v.
 S.C.L.A.
 (People, r.p.i.)

Merits:

Argued by Barry O. Bernstein for petitioners and by Gordon Trask, deputy county counsel, for respondent. Cause submitted.

Court recessed at 11:05 a.m.

DIVISION SEVEN (continued)

The Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Woods, J., Neal, J., Hay, J. (Assigned), and Emma Jean Amos, Deputy Clerk.

B121946 Armato
 v.
 Baden
 Brien and Kay

Merits:
Argued by Mark B. Connely for respondents and no appearance by counsel for appellant. Cause submitted.

B112400 Howard
 v.
 County of Los Angeles

Merits:
Argued by Ellen Hammill Ellison for appellant and by Barry M. Wolf for respondent. Cause submitted.

B121596 Falmer
 v.
 Mercury Ins. Company
 Auto Ins. Specialists

Matter ordered off calendar.

B122531 Alonzo
 v.
 Block

Merits:
Argued by Elizabeth J. Gibbons for appellant and by Jacqueline Harding for respondent. Cause submitted.

Court adjourned at 2:50 P.M.